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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,150	10/19/2001	Peter T. Barrett	14531.96	8245

22913 7590 07/29/2004

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SEELEY)

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1000 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111

EXAMINER

BASOM, BLAINE T

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/000,150

Applicant(s)

BARRETT ET AL.

Examiner

Blaine Basom

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/19/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 15 and 32 are objected to because of the following informalities: In claim 15 the phrase, “a source identifier defining where the processor is capable of retrieving the video advertising content is receivable” is deemed grammatically incorrect. Additionally, in claim 32 the phrase, “to identify at least one video advertisements” is deemed grammatically incorrect. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, there is no antecedent basis for “the second banner advertisement.”

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,248,946, which is attributed to Dwek. In general, Dwek presents a multimedia content delivery system, by which a user of a computer accesses multimedia files from a network server (see column 3, lines 40-49; and column 4, lines 16-67). Such multimedia files are delivered over a network and rendered on the user's computer (for example, see column 5, lines 1-33). Regarding the claimed invention, Dwek discloses that advertisements may also be delivered from the server to the user's computer, the advertisements being displayed on the user's computer via an "advertisement pane" (see column 14, lines 51-67).

Specifically concerning claim 1, Dwek discloses that a sequence of advertisements is delivered to the user's computer, and that this sequence may comprise both banner advertisements and video advertisements (see column 14, lines 57-67). Such advertisements include related subject matter corresponding to the user's music preferences and demographic information (see column 15, lines 1-13). Thus with a sequence having a banner advertisement followed by a video advertisement, a display screen is generated on which the video advertisement is to be displayed, and is specifically generated at a time prior to the time at which the video advertisement is available to be displayed. A banner advertisement is displayed in an

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advertisement pane, the banner advertisement having subject matter related to that of the video advertisement. When the video advertisement becomes available to be displayed, the banner advertisement within the advertisement pane is replaced with the video advertisement.

As per claims 3 and 4, Dwek teaches that the advertisements associated with multimedia content delivery systems may be displayed in the background (for example, see column 2, lines 31-40). Dwek is thus considered to anticipate claims 3 and 4.

Concerning claim 10, Dwek discloses that the advertisements displayed on the user's computer comprise related subject matter corresponding to the user's musical preferences and demographic information (see column 15, lines 1-13). As the banner and video advertisements are targeted to the particular user, it is understood that the advertisements actually displayed on the user's computer are selected from a plurality of banner and video advertisements, the banner and video advertisements selected corresponding to the demographic information of the user. Dwek is thus considered to teach identifying a video advertisement to be displayed upon the user's computer, and identifying the subject matter of the video advertisement to ensure that it satisfies the user's musical preferences and demographic information. Similarly, Dwek teaches selecting a banner advertisement from a plurality of banner advertisements, the selected banner advertisement having subject matter which satisfies the user's musical preferences and demographic information, and therefore having subject matter related to the identified video advertisement. As described above, this banner advertisement is displayed on the user's computer in an advertisement pane.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,687,906, which is attributed to Yuen et al. (and hereafter referred to as “Yuen”), and also over the U.S. Patent of Dwek, which is described above. In general, Yuen describes a system for delivering content to the user, wherein such a system comprises advertisements. Specifically, Yuen describes an electronic program guide in which advertisements are displayed (see column 1, lines 21-40). Yuen, however, doesn’t explicitly disclose that such advertisements comprise banner and video advertisements, whereby a banner advertisement is displayed until a related video advertisement becomes available to be displayed, as is expressed in claim 1.

Like Yuen, Dwek presents a system wherein advertisements are presented within a user interface used to select multimedia content. As described above, such advertisements comprise banner and video advertisements, whereby a banner advertisement is displayed until a related video advertisement becomes available to be displayed.

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Yuen and Dwek before him at the time the invention was made, to modify the electronic program guide taught by Yuen such that the advertisements are presented within a sequence comprising both video and banner advertisements, as is done by Dwek. It would have been advantageous to one of ordinary skill to utilize such a combination, because as

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demonstrated by Dwek, a sequence of advertisements allows a plurality of advertisements to be displayed to the user, while only requiring an amount of space needed to display a single advertisement.

Claims 5-9, 11, 21-28, 32-37, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent of Dwek, which is described above, and also over U.S. Patent No. 6,639,608, which is attributed to Itakura. Concerning claims 5-9, Dwek teaches a method like that of claim 1, whereby a plurality of advertisements, comprising both banner and video advertisements, are transmitted from a server to a user's computer. The user's computer then displays the plurality of advertisements in sequence in an advertisement pane. As the banner and video advertisements are targeted to the particular user (see column 15, lines 1-13), it is understood that these advertisements actually displayed on the user's computer are selected from a plurality of banner and video advertisements, the banner and video advertisements selected corresponding to the demographic information of the user. Dwek, however, doesn't explicitly disclose that at least two banner advertisements, or at least two video advertisements, are deliverable to the user's computer upon different delivery streams, as is recited in claims 5 and 7. Additionally, Dwek does not disclose that a video stream comprising a plurality of video advertisements is delivered to the client computer, whereas recited in claim 9, each advertisement comprises a trigger used to identify when the video advertisement is to be displayed.

Like Dwek, Itakura discusses the transmission of a plurality of advertisements over a network from an information provider to a user's computer, whereby the advertisements are



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displayed in a particular sequence within a display pane (see column 1, line 50 – column 3, line 15; and column 10, line 8 – column 11, line 44). Regarding the claimed invention, such advertisements are delivered over the network in a sequence, understandably via a stream (see column 15, line 1 – column 17, line 22). Such a stream stops when all pending advertisement requests are fulfilled by the information provider (for example, see column 17, lines 15-22). A subsequent stream is then started upon any ensuing advertisement requests (see column 13, line 43 – column 15, line 37). Thus regarding claims 5, 7, and 9, Itakura teaches delivering a plurality of advertisements upon a stream, and teaches delivering at least two advertisements upon different streams. As per claim 6, Itakura teaches that the advertisements are stored locally on the user's computer (for example, see column 10, line 8 – column 11, line 44). Specifically regarding claim 8, and like Dwek, Itakura teaches selecting an advertisement based upon the demographic information of the user (for example, see column 15, line 38 – column 16, line 65). And lastly, Itakura teaches that each advertisement in the stream may comprise an associated trigger, which is used to identify the time when the advertisement is to be displayed and the subject matter of the advertisement (see column 7, lines 6-45; column 10, lines 45-52; and column 11, lines 33-44).

It would have been obvious to one of ordinary skill in the art, having the teachings of Dwek and Itakura before him at the time the invention was made, to modify the system taught by Dwek such that the sequence of advertisements are delivered upon one or more streams, and such that each advertisement comprises an associated trigger used to identify the subject matter and display time of the advertisement, as is done by Itakura. It would have been advantageous to one of ordinary skill to utilize such a combination because such features ensure that appropriate

advertisements are displayed at the appropriate times, as is taught by Itakura (for example, see column 18, lines 38 – 58).

With respect to claim 11, the above-described combination of Dwek and Itakura teaches delivering a stream of advertisements from a server to a user's computer, whereby each advertisement in the stream may comprise a trigger defining a time then the advertisement is to be displayed on the display screen of the user's computer. Such advertisements are displayed within an advertisement pane of the user's computer, and upon reaching the time identified by the trigger, the advertisements transition such that the advertisement associated with the trigger is displayed in the advertisement pane. Dwek particularly teaches that such advertisements may comprise both banner and video advertisements, these advertisements having related subject matter corresponding to the user's musical preferences and demographic information, as is discussed above. Thus with a stream having a banner advertisement followed by a video advertisement, a trigger may be received from the stream, the trigger defining a time when the video advertisement is to be displayed on the user's computer. A banner advertisement is displayed within an advertisement pane upon the user's computer until the time identified by the trigger is reached, the banner advertisement having subject matter related to that of the video advertisement. Upon reaching the time identified by the trigger, the advertisement pane is transitioned between the banner advertisement and the first video advertisement to display the first video advertisement to the user.

As per claim 21, Itakura teaches that the above-described method may be implemented via a computer-readable medium (see column 6, line 60 –column 7, line 5). Such a compute-

readable medium used to implement the above-described method is considered a computer product, like that recited in claim 21.

As per claims 12, 13, 25, and 26, the above-described combination of Dwek and Itakura teaches retrieving a display screen comprising an advertisement box, referred to as an advertisement pane. A banner advertisement may be retrieved from a server, and displayed within this advertisement pane, as is described above. Upon reaching the time identified by an associated trigger, the user's computer ceases the display of the banner advertisement, and replaces it with a video advertisement within the advertisement pane, as is further described above.

In reference to claims 14, 15, 23, and 24, Itakura discloses that the messages, i.e. advertisements, delivered to the user's computer comprise advertising content and a trigger, i.e. announcement, whereby it is understood that the advertising content comprises a data file containing the advertising content, and the trigger identifies a time in which to display the advertisement (see column 8, lines 29-43, for example). As described above, Dwek further teaches that such advertising content may comprise video advertising content, i.e. a package. The above-described combination of Dwek and Itakura is thus considered to teach a method, like that recited in claims 14, 15, 23, and 24.

Regarding claims 16 and 27, Itakura teaches that the content provider delivering the advertisements to the user's computer analyzes the advertisements, which are deliverable to the user's computer upon a delivery stream. Specifically, each advertisement comprises a content identifier defining the type of advertising content associated with the advertisement (see column 7, lines 6-53). Additionally, the content provider identifies and maintains preferences of the

user, the preferences defining which advertising content the user is more likely to watch than other types of advertising content (see column 7, lines 54-65). The content provider uses this information to retrieve advertisements in compliance with the user's preferences (see column 7, line 66 – column 8, line 6; and column 15, line 27 – column 16, line 65). As described above, Dwek further teaches that such advertisements may comprise video advertisements. The above-described combination of Dwek and Itakura is thus considered to teach a method, like that recited in claim 16.

With respect to claims 17 and 28, Itakura teaches that the content provider, which delivers advertisements to the user's computer, analyzes a delivery schedule defining the time and day for delivering each advertisement (see column 7, lines 6-45; and column 15, lines 12-26). In response to analyzing the delivery schedule, the content provider identifies a currently viewable advertisement, the currently viewable advertisement comprising a start time, which is defined by a "display time" field, and a stop time, which is defined by a "display timer" (see column 7, lines 6-45; column 15, lines 12-26; column 8, lines 50-63; and column 10, lines 8-67). It is understood that this process repeats in order to deliver a plurality of advertisements to the user's computer, or in other words, to identify the next available advertisements viewable after the stop time of the currently viewable advertisement. As described above, Dwek further teaches that such advertisements may comprise video advertisements. The above-described combination of Dwek and Itakura is thus considered to teach a method, like that recited in claim 17.

In regard to claim 22, Dwek discloses that the advertisements displayed on the user's computer comprise related subject matter corresponding to the user's musical preferences and demographic information (see column 15, lines 1-13). As the banner and video advertisements

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are targeted to the particular user, it is understood that the advertisements actually displayed on the user's computer are selected from a plurality of banner and video advertisements, the banner and video advertisements selected corresponding to the demographic information of the user. Dwek thus teaches selecting a banner advertisement from a plurality of banner advertisements, the selected banner advertisement having subject matter which satisfies the user's musical preferences and demographic information. Consequently, the banner advertisement necessarily comprises some sort of banner content identifier, in addition to advertising content. The above-described combination of Dwek and Itakura is thus considered to present a computer product, like that recited in claim 22.

In reference to claim 32, the above-described combination of Dwek and Itakura teaches: retrieving preference data from a data source, the preference data representing viewing selections of the viewer; displaying a first banner advertisement on the display device, the first banner advertisement displaying advertising content in compliance with the preference data; identifying a plurality of video advertisements deliverable to the processor by a plurality of video streams, each video advertisement of the plurality of video advertisements comprising video advertising content, at least one trigger, and a video content identifier; analyzing each of the plurality of video streams to identify at least one video advertisement of the plurality of video advertisements comprising the video content identifier in compliance with the preference data; and in response to analyzing the video content identifier of the at least one video advertisement, transitioning between the first banner advertisement and the at least one video advertisement of the plurality of video advertisements to display the video advertising content to the viewer, as is described above in the discussions concerning claims 7, 8, 11, and 16. Dwek further discloses that such a

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method may be implemented in a network environment comprising a plurality of servers and clients (see column 4, lines 16-67). Such a network implementing the above-described method of Dwek and Itakura is considered a system, like that described in claim 32.

Concerning claim 33, the above-described data source is understood to be maintained via a server (for example, see column 4, lines 16-67 of Dwek), and is therefore considered remote to the processor of the client computer.

As per claim 34, Itakura teaches selecting an advertisement based upon the demographic information of the user (for example, see column 15, line 38 – column 16, line 65).

Consequently, the preference data, by which advertisements are chosen to be sent to the viewer, is defined by the demographic information relating to the viewer of the advertisement.

In regard to claim 35, Dwek discloses that the advertisements displayed on the user's computer comprise related subject matter corresponding to the user's musical preferences and demographic information (see column 15, lines 1-13). As the banner and video advertisements are targeted to the particular user, it is understood that the advertisements actually displayed on the user's computer are selected from a plurality of banner and video advertisements, the banner and video advertisements selected corresponding to the demographic information of the user. Dwek thus teaches selecting a banner advertisement from a plurality of banner advertisements, the selected banner advertisement having subject matter which satisfies the user's musical preferences and demographic information. Consequently, the banner advertisement necessarily comprises some sort of banner content identifier identify the banner advertisement type, in addition to advertising content. The above-described combination of Dwek and Itakura is thus considered to present a computer system, like that recited in claim 35.

As per claims 36 and 37, the above-described combination of Dwek and Itakura teaches retrieving a display screen comprising an advertisement box, referred to as an advertisement pane. A banner advertisement may be retrieved from a remote source, namely a server, and displayed within this advertisement pane, as is described above. Upon reaching the time identified by an associated trigger, the user's computer ceases the display of the banner advertisement, and replaces it with a video advertisement within the advertisement pane, as is further described above.

Referring to claim 40, Itakura teaches that each advertisement in a video stream may comprise an associated trigger, which is used to identify the time when the advertisement is to be displayed and the subject matter of the advertisement (see column 7, lines 6-45; column 10, lines 45-52; and column 11, lines 33-44).

With respect to claim 41, Itakura teaches that the content provider delivering the advertisements to the user's computer analyzes the advertisements, which are deliverable to the user's computer upon a delivery stream. Specifically, each advertisement comprises a content identifier defining the type of advertising content associated with the advertisement (see column 7, lines 6-53). Additionally, the content provider identifies and maintains preferences of the user, the preferences defining which advertising content the user is more likely to watch than other types of advertising content (see column 7, lines 54-65). The content provider uses this information to retrieve advertisements in compliance with the user's preferences (see column 7, line 66 – column 8, line 6; and column 15, line 27 – column 16, line 65). As described above, Dwek further teaches that such advertisements may comprise video advertisements. The above-

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described combination of Dwek and Itakura is thus considered to teach a method, like that recited in claim 41.

Regarding claim 42, as Dwek teaches that the sequence of advertisements delivered to the user's computer may comprise both banner advertisements and video advertisements (for example, see column 14, lines 50-67), it is understood that another banner advertisement and another video advertisement may follow a first banner advertisement and video advertisement sent to the user's computer. As described above, such advertisements are chosen for display to the viewer based on their content identifier, specifically based on their content identifier being in compliance with the user's preference data. Thus in the case where another banner advertisement and another video advertisement follows a first banner advertisement and video advertisement, a second banner advertisement having banner content identifier in compliance with the preference data is identified in response to transitioning between the first banner advertisement and the video advertisement; a second video advertisement having a video content identifier in compliance with the user's preference data is identified; and the first video advertisement transitions to the second banner advertisement, which transitions to the second video advertisement.

Claims 11, 18-21, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent of Dwek, which is described above, and also over U.S. Patent No. 6,137,834, which is attributed to Wine et al. (and hereafter referred to as "Wine"). Specifically regarding claims 11 and 18, Dwek teaches a method whereby a sequence of advertisements are displayed delivered to a client computer, and whereby the advertisements are displayed



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sequentially in an advertisement pane, as is described above in the rejection for claim 1. As further described above, such a sequence may particularly comprise a banner advertisement followed by a video advertisement having subject matter related to the banner advertisement. Dwek teaches that this video advertisement may be displayed for a predetermined amount of time, whereupon it is replaced by another advertisement, such as another video advertisement (for example, see column 14, lines 57-67). Thus regarding claim 11, Dwek teaches displaying a first banner advertisement for a predetermined amount of time, whereupon reaching the end of the predetermined amount of time, the banner advertisement is replaced with a video advertisement. Dwek, however, does not explicitly disclose that the first advertisement comprises a start and stop trigger configured to identify the time when the video advertisement content is to start and cease being displayed upon the display device, respectively, and a plurality of other triggers, whereby the plurality of other triggers are tracked in order to identify the time remaining from the current time until the stop trigger is to be received by the processor, and whereupon receiving the stop trigger the first video advertisement transitions to another advertisement, as is recited in claims 11 and 18.

Concerning the teachings of Dwek, Wine discusses the transmission of video segments, whereby the video segments are from separate streams, which are spliced together into a single transport stream to be delivered to a client (see column 1, line 19 – column 2, line 15). Wine particularly discloses that each such segment comprises an “in-point,” and “out-point,” and a plurality of other triggers (see column 4, lines 1-46). During the splice operation, a first such video segment is analyzed to determine its in-point, and the other triggers are tracked via a “count-down feature” to determine the time remaining until the out-point is received by the

processor (for example, see column 13, line 58 – column 14, line 15). The out-point designates a time whereby the segment may be seamlessly spliced to another segment (see column 3, lines 10-19). Such an in-point is consequently considered a start trigger, and an out-point is considered a stop trigger.

It would have been obvious to one of ordinary skill in the art, having the teachings of Dwek and Wine before him at the time the invention was made, to modify the video advertising segments taught by Dwek to include the in-point, out-point, and other triggers of Wine. It would have been advantageous to one of ordinary skill to utilize such a combination because such triggers may be used to seamlessly splice advertising segments, without gaps between the segments, as is taught by Wine (for example, see column 1, lines 41-56).

As per claims 21 and 29, Dwek teaches that the above-described method may be implemented via a plurality of servers (see column 4, lines 16-67). As known in the art, servers comprise a computer-readable medium comprising various programming instructions. Such a computer-readable medium used to implement the above-described method is considered a computer product, like that recited in claims 21 and 29.

As per claim 19, Dwek teaches a method whereby a sequence of advertisements are displayed delivered to a client computer, and whereby the advertisements are displayed sequentially in an advertisement pane, as is described above in the rejection for claim 1. As further described above, such a sequence may particularly comprise a banner advertisement followed by a video advertisement having subject matter related to the banner advertisement. Dwek teaches that this video advertisement may be displayed for a predetermined amount of time, whereupon it is replaced by another advertisement, such as another video advertisement

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(for example, see column 14, lines 57-67). Consequently, the above-described combination of Dwek and Wine is considered to teach the method recited in claim 19.

In reference to claim 20 and 31, Dwek teaches that a second video advertisement or banner advertisement may follow a first displayed advertisement, as is described in the previous paragraph. Wine further teaches that each video segment may be on a different video stream, and may comprise a start and stop trigger, the stop trigger defining a time to transition between the segments (for example, see column 3, lines 10-19). Consequently, the above-described combination of Dwek and Wine is considered to teach identifying a second video advertisement from a second video stream, the second video advertisement comprising video advertising content and at least one trigger, where in response to receiving a stop trigger, the advertisement pane is transitioned between a first video advertisement, or banner advertisement, and a second video advertisement to display the video advertisement content to the viewer.

Regarding claim 30, Wine teaches that each video segment comprises a plurality of triggers, which are tracked to determine the time remaining to the end of the segment, as is described above. Consequently, these triggers are considered to divide the segment into a plurality of time segments, which are tracked to determine the number of segments remaining to be played to the viewer. The above-described combination of Dwek and Wine thus presents a computer product, like that recited in claim 30.

Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dwek and Itakura, which is described above, and also over the teachings of Wine, which are also described above. As shown above, Dwek and Itakura teach a method, like

that recited in claim 32, whereby video advertisements among different streams are chosen based on user preference information, and delivered to a viewer. Neither Dwek nor Itakura, however, explicitly disclose that each of the plurality of video streams are MPEG streams, as is expressed in claims 38 and 39.

Like the teachings of Dwek and Itakura, Wine discusses the transmission of video segments, whereby the video segments are from separate streams, which are spliced together into a single transport stream to be delivered to a client (see column 1, line 19 – column 2, line 15). Regarding the claimed invention, Wine discloses that such streams are MPEG streams (for example, see column 1, lines 19-56).

It would have been obvious to one of ordinary skill in the art, having the teachings of Dwek, Itakura, and Wine before him at the time the invention was made, to modify the streams taught by Dwek and Itakura such that they are MPEG streams, as done by Wine. It would have been advantageous to one of ordinary skill to utilize such a combination because MPEG streams use available bandwidth more effectively, as is taught by Wine (see column 1, lines 19-31, for instance).

### ***Conclusion***

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to consider these references fully when responding to this action. The Scott et al., Slotznick, and Dustin et al. U.S. Patents disclose methods for displaying a banner advertisement and a related

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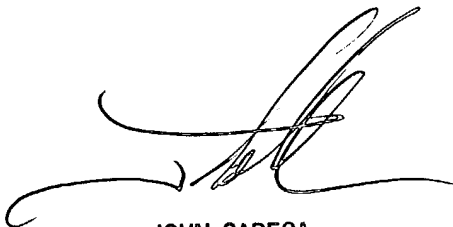
video advertisement, whereby the video advertisement is displayed in response to selecting the banner advertisement. The Landsman et al. U.S. Patent teaches displaying video within a banner advertisement. Lastly, the Judson and Colbath U.S. Patents cited therein teach presenting advertisements while information is downloaded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (703) 305-7694. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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